

**CONCURRING STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Walker Broadcasting Company, Inc. Application for License to Cover Construction Permit, Application for Construction Permit and Petition for Eligible Entity Status, WFBT(DT), Bath, New York, Fac. ID No. 72623, File Nos. BLCDT-20090402AOD and BPCDT-20080319ADH; Application Procedures for Broadcast Incentive Auction Scheduled To Begin on March 29, 2016; Technical Formulas for Competitive Bidding, AU Docket No. 14-252; GN Docket No. 12-268; WT Docket No. 12-269.*

The Media Bureau found below that Walker Broadcasting Company forfeited its construction permit under section 73.3598(e) of the Commission's rules. In its Application for Review, however, Walker fails to challenge this conclusion and doesn't even mention that rule. This omission alone, in my view, is fatal to Walker's case. As a result, I do not express any view as to whether the underlying determination that Walker forfeited its construction permit is correct.

It is also worth noting that Walker did not diligently pursue its broadcast television license. After sending information to Commission staff on September 21, 2010 regarding its license application, Walker made no effort to verify that its message had been received and by its own admission did not contact the Commission again regarding this matter until May 28, 2015. This four-and-a-half year gap in communicating with the Commission substantially undermines any equitable argument that Walker's former station, WFTB, should receive discretionary protection in the incentive auction.